The celebration and jocularity were real, but so were the moments of pain expressed on every face at some point. Maureen Dobert sang along when a birthday cake was brought out for her son and another guest with an April 13 birthday. But she confided that she was using her public face. The private one, she said, gives into grief sometimes.

''You know, one day they go to kindergarten, and you have to let them go,'' she said. ''Then they want to ride their bike around the corner, and you tell them to be careful and let them go. Before you know it, they're adults and you say, okay, I'm going to let them go.

''But this is the hardest letting go you ever have to do. I wanted her longer, but it's not going to work. It's the hardest letting go, but somehow you have to do it.''

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on April 19, 1996, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3034. An act to amend the Indian Self-Determination and Education Assistance Act to extend for two months the authority for promulgating regulations under the Act.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bill was signed subsequently on April 19, 1996, during the adjournment of the Senate, by the President pro tempore [Mr. THURMOND].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2278. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–216 adopted by the Council on February 6, 1996; to the Committee on Governmental Affairs.

EC–2279. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–228 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2280. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–227 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2281. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–229 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2282. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–230 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2283. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–231 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2284. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–232 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2285. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–233 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2286. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–234 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2287. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–235 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2288. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–236 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2289. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–237 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2290. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–238 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2291. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–240 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2292. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–242 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2293. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–243 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC–2294. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report on the Mayor's budget for fiscal year 1997 and multiyear plan; to the Committee on Governmental Affairs.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1324. A bill to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and for other purposes (Rept. No. 104–256).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. PRYOR, Mr. BUMPERS, Mr. HEFLIN, Mr. KERREY, Mr. DORGAN, Mr. DASCHLE, and Mr. PRESSLER):

S. 1690. A bill to provide a grace period for the prohibition on Consolidated Farm Service Agency lending to delinquent borrowers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN:

S. 1691. A bill to provide for a minimum presence of INS agents in each State; to the Committee on the Judiciary.

S. 1692. A bill to bar Federal agencies from procuring goods and services from employees of illegal aliens; to the Committee on Governmental Affairs.

By Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. HATCH, and Mr. CRAIG):

S.J. Res. 52. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of victims of crimes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. PRYOR, Mr. BUMPERS, Mr. HEFLIN, Mr. KERREY, Mr. DORGAN, Mr. DASCHLE, and Mr. PRESSLER):

S. 1690. A bill to provide a grace period for the prohibition on Consolidated Farm Service Agency lending to delinquent borrowers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL LEGISLATION

• Mr. CONRAD. Madam President, the farm bill enacted 2 weeks ago has changed the Farm Service Agency's loan eligibility rules for thousands of producers only a few weeks from planting. It has become very clear that the effective date of the new loan eligibility provisions is causing hardship for producers in the midst of implementing farm and ranch plans for the year. Farmers and ranchers are being informed that, although their loan applications were approved, the Secretary is now prohibited from providing the loan funds to the farmer under

the new farm bill. Thousands of farmers will be forced to cancel seed, fertilizer, machinery, and land contracts with local, main street businesses. Many businesses have already delivered seed and fertilizer based on the Government loan commitment. Many farmers who expected to plant a crop this year when prices are high will simply have to move to town and look for other work. This is not sensible policymaking. My legislation will delay the effective date of some of the loan eligibility provisions to give farmers and ranchers, and the businessmen who depend on doing business with the farmers and ranchers, time to adjust to the new loan eligibility law.

Section 648(b) of the credit title of the farm bill was made effective on the date of enactment. My bill will change the effective date of section 648(b) to make the provisions effective 90 days after enactment, or July 5, 1996. It is my hope that my colleagues will support this legislation.

During conference, I and many of my colleagues hoped that section 648(b)'s effective date would be deferred to allow farmers some warning of the new restrictions and avoid the problems farmers are now experiencing. However, the majority insisted on making the provisions of section 648(b) effective upon enactment. As a result, the Secretary is prohibited from allocating funds and making those loans, even if there were pending applications or approved applications or borrowers who had relied on approved applications to their detriment. The immediate and harsh effect of this provision was part of the reason I opposed the farm bill conference report.

It is my opinion that the entire farm bill should be revisited and corrected. However, the case for correcting the harsh effective date of section 648(b) is particularly compelling and that is why I am introducing this legislation today.

It is April 1996 and no one can argue that many farmers and ranchers, who are now prohibited from borrowing under section 648(b), have relied to their detriment on approved applications for ownership loans, operating loans, and emergency disaster loans. It is also too late in the season to provide these farmers and ranchers with time to obtain some other form of financing.

During my time in the Senate and on the Agriculture Committee, I have supported measures to make the Federal Government a more responsible and practical agricultural lender. I have worked to reduce and eliminate the amount of debt the Farm Service Agency carries on its books. By introducing this legislation, I am not encouraging the Farm Service Agency to make risky loans. However, for those farmers who have been approved for loans, have relied on that approval to their detriment, and find themselves days away from planting, it is just too late to secure other forms of financing. The timing of the immediate effective date in the Farm Bill is plain mean-spirited. I hope my colleagues support this bill to give farmers and ranchers 90 days to adjust to the Farm Bill's new restrictions.●

● Mr. GRASSLEY. Madam President, I am pleased to join in introducing legislation establishing a transition period to help our farmers who are attempting to obtain financing under the Consolidated Farm and Rural Development Act. The comprehensive farm bill that was signed into law earlier this month made a number of significant reforms to our Federal agriculture policy. Among these reforms was a change in how the U.S. Department of Agriculture extends credit to certain types of borrowers. This new policy is necessary to ensure the sound investment of taxpayer dollars.

Specifically, section 373 of the act prohibits the Secretary of Agriculture from making or guaranteeing loans to borrowers who have received debt forgiveness in the past. Debt forgiveness is defined as a writeoff or reduction of a direct or guaranteed loan or discharge of debt through bankruptcy.

Although I was not on the Agriculture Committee last summer when the credit title was marked up, it is my understanding that no member from either side of the aisle objected to this provision. Also, this section was not subject to amendment during the floor debate in February.

So we are not necessarily arguing with the policy of this section. But there are farmers who had applied for their annual operating loans in February or March, who expected to receive this financial assistance. They have been caught in the pipeline, so to speak, through no fault of their own. This group of farmers were eligible for these loans when they applied. But under the new farm bill they are ineligible.

It is only fair to give these farmers a period to adjust to the new rules. That is all this bill does. It does not change the reform-minded policy put in place by section 373. It merely moves back the implementation date of the section to allow the Farm Service Agency to process these loan applications and release the money to these borrowers. More importantly, this bill gives the farmers subject to this section an opportunity to adjust to a significant change in policy that could adversely affect their business.

This Congress passed a revolutionary farm bill, characterized by long-needed reforms. But we must remember that these changes affect real people, like family farmers. Therefore, it is necessary that sufficient transition time be given so that farmers can adjust and modify their business practices accordingly.●

Mr. PRESSLER. Mr. President, now that the farm bill is in place, farmers are doing their spring planting for the 1996 crops, or soon will begin. However, an unintended glitch has been discovered in the implementation of the new farm bill. Certain sections of the credit title of the new farm bill are being implemented to the detriment of farmers who have had any debts forgiven by the Government in the past.

This has come as quite a surprise to many farmers in South Dakota and other parts of the Nation. I have heard from several farmers who had applied for operating or emergency disaster loans who are now being told they are ineligible because of past debt forgiveness. That is not right. That is not what Congress intended. Most important, this is the last thing a farmer needs to hear, especially when he needs a loan to get this year's crop in. In some cases, Mr. President, I have learned that farmers who had approved loans that had not been disbursed by April 4, are also now being told they are no longer eligible. Again, this is not what Congress intended.

You can imagine how a farmer would feel when, after having his loan approved and a date set for disbursement, he's told the check's no longer in the mail.

Mr. President, already Members of Congress are seeking to correct his unintended development. The chairmen of the Senate and House Agriculture Committees have written to U.S. Secretary of Agriculture, Dan Glickman, to express their concerns about this implementation. It is clear we need legislation to ensure pending and future loans can go through. Therefore, today we are introducing a bill that would delay the implementation of section 373 of the Consolidated Farm and Rural Development Act, until July 5, 1996. This would provide the time for USDA to disburse loans to farmers for this year's spring planting.

I am pleased to undertake this corrective effort along with Senator GRASSLEY and others. Similar legislation has been introduced in the House of Representatives and I urge congressional adoption of these measures as soon as possible. Time is running out and we must act.

Mr. HARKIN. Mr. President, I want to commend Senator CONRAD for introducing this legislation to correct a provision in the newly passed farm bill that threatens to leave thousands of farm families in the lurch as they attempt to get a crop in the ground this spring. This feature of the new farm bill hits especially hard farmers, such as those in parts of Iowa, who are trying to recover from the hardships caused by disaster situations beyond their control. It is my understanding that some 30 to 40 percent of the approximately 8,000 USDA borrowers in Iowa are likely to be adversely affected by this provision.

The provision involved here prohibits USDA from making any type of operating, farm ownership, or emergency loan to a person who has at any time received any debt forgiveness from USDA on such a loan in the past. This provision was by clear terms made effective immediately upon enactment of the

new farm bill, which was signed into law on April 4 of this year. As a consequence, many farmers who were in the process of having loans approved are cut off at the very last moment from credit that they were fully justified in counting on for planting this year's crop. Farm families have enough to worry about during planting season without having Congress create a whole new set of unanticipated problems and worries for them.

The consequence of this provision of the farm bill is that no matter how small the amount forgiven, no matter whether the forgiveness was due to reasons entirely beyond the control of the borrower, no new credit may be provided even if the farmer is now a sound credit risk—except for limited circumstances in the case of annual operating loans for borrowers whose debt was restructured under section 353. For example, even if a portion of interest, but no principal, was forgiven on a loan during the farm crisis a decade or more ago, for reasons beyond the control of the borrower, this provision says no more loans.

There may be reasonable arguments over the fairness of that policy, but clearly the harshest aspect of the new farm bill's loan ineligibility provision is that it kicked into effect on the date the bill became law, with little or no warning to farmers whose loans were in the process of being approved. The farm bill was long overdue by the time it passed Congress, and the problems caused by the lateness of the bill were compounded by the specific preclusion of any grace period for the new prohibition against loans to borrowers receiving past loan forgiveness. Farmers were left with virtually nowhere to turn because it was too late in the season to have a realistic chance to arrange other financing.

There has been some discussion whether USDA has misinterpreted the language of the bill or the legislative intent as to the effect of the new ineligibility provision, but the language of the bill is quite clear. Moreover, the matter of a reasonable grace period was specifically discussed during conference, but was rejected by the majority conferees.

I believe USDA should be careful in lending money, but the new farm bill is too extreme and too harsh.

This bill is a limited remedy for the harshness of the new ineligibility provision in the farm bill and the serious hardship it is causing. I am hopeful that legislation can be passed yet this week to address this very unfair situation created by the new farm bill.

By Mr. HARKIN:

S. 1691. A bill to provide for a minimum presence of INS agents in each State; to the Committee on the Judiciary.

THE IMMIGRATION CONTROL ENFORCEMENT ACT

● Mr. HARKIN. Mr. President, much of the debate on this floor is focused on how to strengthen our immigration laws. But whatever we pass will not mean much if we do not make sure that our States have the tools and support they need to enforce those laws in the first place.

That is why I rise today to offer this bill that would require the Attorney General to provide at least 10 full-time active duty agents of the Immigration and Naturalization Service in each State. These can be either new agents or existing agents shifted from other States.

In America today, immigration is not simply a California issue or a New York issue or a Texas or Florida issue. I can tell you that it is a real issue—and a real challenge—in my own State.

But today there are three States—including Iowa—that have no permanent INS presence to combat illegal immigration or to assist legal immigrants. In fact, in Iowa every other Federal law enforcement agency is represented except the Immigration and Naturalization Service.

This is a commonsense amendment. Ten agents is a modest level compared to agents in other States. According to INS current staffing levels, Missouri has 92 agents, Minnesota has 281 agents, and the State of Washingon has 440. And Iowa, West Virginia, and South Dakota have zero. This just does not make any sense.

Clearly every State needs a minimum INS presence to meet basic needs. My bill would ensure that need is met. It would affect 10 States and only require 61 agents which is less than 0.3 percent of the current 19,780 INS agents nationwide.

Let me speak briefly about the situation in my own State. Currently, Iowa shares an INS office located in Omaha, NE. In its February report, the Omaha INS office reported that they apprehended a total of 704 illegal aliens last year for the two-State area. This number is up by 52 percent from 1994.

The irony here is that in 1995, the INS office in Omaha was operating at a 33-percent reduction in manpower from 1994 staff levels. Yet the number of illegal aliens apprehended increased by 52 percent that year.

This same report states that there are about 550 criminal aliens being detained or serving sentences in Iowa and Nebraska city/county jails. Many of these aliens were arrested for controlled substance violations and drug trafficking crimes.

A little law enforcement relief is on its way to Iowa. The Justice Department announced that it will establish an INS office in Cedar Rapids with four law enforcement agents. That is a good step. And it is four more agents then we had before.

But we need additional INS enforcement to assist Iowa's law enforcement in the central and western parts our State.

In fact, the Omaha district office assessed in their initial report to the Justice Department that at least eight INS enforcement agents are needed simply to handle the issue of illegal immigration in Iowa.

Mr. President, in the immigration reform legislation before the Senate this week, the Attorney General will be mandated to increase the number of Border Patrol agents by 1,000 every year for the next 4 years. Yet for Iowa, the Justice Department can only spare four law enforcement agents and no agents to perform examinations or inspections functions.

By providing each State with its own INS office, the Justice Department will save taxpayer dollars by reducing not only travel time but also jail time per alien, since a permanent INS presence would substantially speed up deportation proceedings.

There is also a growing need to assist legal immigrants and to speed up document processing. The Omaha INS office reported that based on its first quarter totals for this year the examinations process for legal immigrants applying for citizenship or adjusting their status went up 45 percent from last year. Even though, once again, the manpower for the Omaha INS office is down by one-third.

I have recommended that a permanent INS office in Des Moines be located in free office space that would be provided by the Des Moines International Airport. Placing the office in the Des Moines International Airport would benefit Iowa in three ways. First, it would cut costs and save taxpayers money. Second, it would generate economic benefits for Iowa because the airport could then process international arrivals and advance Iowa's goal of becoming increasingly more competitive in the global market. Third, the office would be able to process legal immigrants living in Iowa.

I urge my colleagues to join in support of my bill. It is common sense, it is modest, and it sends a clear message to our States that we are committed to enforcing our immigration laws and giving them the tools they need to do it.●

By Mr. HARKIN:

S. 1692. A bill to bar Federal agencies from procuring goods and services from employees of illegal aliens; to the Committee on Governmental Affairs.

THE ILLEGAL WORKER PREVENTION ACT

● Mr. HARKIN. Mr. President, the chief magnet drawing illegal immigrants into the United States and enabling them to stay—is jobs. Border control is an effective strategy against illegal immigration but the lure of jobs will continue to attract illegal workers. We must reduce the job magnet that draws illegal immigrants to this country and deprives American workers of their livelihood.

For years, illegal aliens entering the United States have found employers ready and willing to hire them, often for wages which were substandard and under conditions which ranged from improper to illegal and inhumane. We passed the Immigration Reform and Control Act of 1986 which made it illegal to hire undocumented workers. We have recently beefed up enforcement of

this legislation but must continue to do more.

Today I am introducing legislation to keep Federal contracts from going to businesses who knowingly hire illegal workers. My legislation makes permanent, President Clinton's February 13 Executive order. Employers who knowingly hire illegal workers should not benefit from Government business and tax dollars.

Consider the following two incidents which occurred at work sites in Maryland in March of this year. On March 21, INS agents arrested four illegal immigrants working on Fort Meade Army base. They were building Government town homes under a $24 million Federal contract. A week later, INS agents arrested 12 illegal immigrants removing asbestos from the Fallon Federal Building in downtown Baltimore.

Benedict Ferro, INS Director for the Maryland district, noted, ''* * * there is a willingness by employers to hire them. Without that willingness, we wouldn't have this problem. It hurts, these are not jobs that permanent residents of the United States wouldn't want. These are jobs that could be filled by the unemployed in Maryland.''

These are examples of the employers we need to focus our efforts on. Most employers want to comply with the law but for the few that spoil it for everyone, we have to have a tough strategy.

Any effort to stem the flow of illegal immigration into our country cannot succeed if the lure of U.S. jobs remains. American jobs belong to lawful workers. A strong worksite enforcement policy discourages illegal workers from crossing the border into the United States in addition to supporting American jobs for citizens and other legal workers.

Curbing illegal immigration by enforcing worker protection laws has a direct, if too seldom noted, policy connection. Illegal immigrants are frequently subjected to subminimum wages, dangerous workplaces, long hours, and other poor working conditions because they are desperate for work and in a weak position to insist on their rights. Knowingly hiring illegal immigrants both reveals, and rewards, an employer's willingness to break the law, and undermine wages and working conditions for legal workers. My legislation would ensure that the Federal Government does not reward such conduct with U.S. tax dollars.

Labor law enforcement not only helps ensure fairness and minimally acceptable employment standards in the workplace, but also helps to foster a level competitive playing field for employers. Businesses who knowingly hire illegal workers at substandard wages and working conditions have an advantage over employers who do not exploit their workers. INS agents note that companies are willing to hire illegal workers to slash costs and increase profits. This is blatantly against the law and not only unfair to American workers who need the jobs but to other employers who abide by the law and do not boost profits by exploiting their labor.

At the same time, by introducing this legislation, I want to make clear that employment discrimination will not be tolerated. Existing Federal laws prohibit employers from discriminating against employees on the basis of national origin or race. Enforcement of this legislation will not undermine antidiscrimination protection for legal workers.

From its beginning, our Nation has been a land of immigrants—people from the world over seeking refuge, opportunity, and a better life for themselves and their families. Like my mother, who came to Iowa from Slovenia. America is the land of opportunity, but America is also a land of responsibility. I remain adamantly opposed to discrimination at the workplace but feel that we must do more to crack down on illegal immigration and those who violate our laws at the expense of American workers.●

By Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. HATCH, and Mr. CRAIG):

S.J. Res. 52. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of victims of crimes; to the Committee on the Judiciary.

RIGHTS OF CRIME VICTIMS CONSTITUTIONAL AMENDMENT

Mr. KYL. Mr. President, April 21–27 is National Crime Victims' Rights Week.

To ensure that crime victims are treated with fairness, dignity, and respect, I rise—along with my colleague Senator FEINSTEIN—to introduce a joint resolution proposing a constitutional amendment to establish and protect the rights of crime victims.

Representative HENRY HYDE will introduce a companion joint resolution in the House. The Senate Judiciary Committee will hold a full committee hearing on the resolution tomorrow, Tuesday, April 23. And I would like to thank Senator HATCH for recognizing the importance of this issue and moving so quickly to hold hearings. This should be a signal to my colleagues and to all America that the time for justice for crime victims is at hand.

The proposed constitutional amendment will give victims fundamental rights to be informed, present, and heard at critical stages throughout their case, and the rights to a speedy trial, reasonable protection, and full restitution from the convicted offender—the least the system owes to those it failed to protect.

The text of the amendment is clear and straightforward. It reads:

SECTION 1. To ensure that the victim is treated with fairness, dignity, and respect, from the occurrence of a crime of violence and other crimes as may be defined by law pursuant to section 2 of this article, and throughout the criminal, military, and juvenile justice processes, as a matter of fundamental rights to liberty, justice, and due process, the victim shall have the following rights: to be informed of and given the opportunity to be present at every proceeding in which those rights are extended to the accused or convicted offender; to be heard at any proceeding involving sentencing, including the right to object to a previously negotiated plea, or release from custody; to be informed of any release or escape; and to a speedy trial, a final conclusion free from unreasonable delay, full restitution from the convicted offender, reasonable measures to protect the victim from violence or intimidation by the accused or convicted offender, and notice of the victim's rights.

SECTION 2. The several States, with respect to a proceeding in a State forum, and the Congress with respect to a proceeding in a United States forum, shall have the power to implement further the rights established in this article by appropriate legislation.

Mr. President, these simple words will help to restore justice to a system fraught with injustice.

SUPPORT

The amendment is supported by major national victims' rights groups: Parents of Murdered Children, Mothers Against Drunk Driving [MADD], the National Organization for Victim Assistance, the National Victim Center, the National Victims' Constitutional Amendment Network, the Victim Assistance Legal Organization, and the Doris Tate Crime Victims Bureau.

NEED TO PROTECT VICTIMS' RIGHTS—SCALES OF JUSTICE IMBALANCED

There is a need to protect victims' rights because the scales of justice are imbalanced.

Those accused of crime have many constitutionally protected rights; They are innocent until proven guilty; they have the right to due process; right to confront witnesses; right against self-incrimination; right to a jury trial; right to a speedy trial; right to counsel; right to be free from unreasonable searches and seizures.

Yet, despite rights for the accused, the U.S. Constitution, our highest law, does not protect the rights of crime victims.

The recognized symbol of justice is a figure holding a balanced set of scales, but in reality the scales are heavily weighed on the side of the accused. These protections are sadly one-sided. My proposal will not deny or infringe any constitutional right of any person accused or convicted of a crime. But it will add to the body of rights we all enjoy as Americans.

Each year, about 43 million Americans are victims of serious crime. These victims have no constitutional rights. They are often treated as mere inconveniences, forced to view the process from the sidelines. Defendants can be present through their entire trial because they have a constitutional right to be there. But in many trials, victims are ordered to leave the courtroom.

Victims often are not informed of critical proceedings, such as hearings to consider releasing a defendant on bail or allowing him to plea bargain to a reduced charge. Even when victims find out about these proceedings, they

frequently have no opportunity to speak.

Today, victims have no right to reasonable finality. It is not uncommon for cases to last years and years after the jury verdict, while courts again and again review the same issue. These lengthy delays cause terrible suffering for crime victims, especially the loved ones of homicide victims. What others consider as a mere inconvenience can be an endless nightmare for the victim.

PATRICIA POLLARD

Consider the case of Patricia Pollard—a woman from my home State of Arizona. In July 1974, on a road just outside of Flagstaff, AZ, Patricia Pollard was silenced—first by an attacker, and then by the judicial system. Eric Mageary used the jagged edge of a ripped beer can to inflict deep slash wounds in her body. He broke her ribs and her jaw. He choked her into unconsciousness and left her for dead by the side of the road.

Patricia survived. Mageary was convicted and sent to prison. Ten years short of serving his minimum sentence, he was paroled. No notice was given to Patricia. If given the opportunity, Patricia would have wanted to tell the judge about the crime, about how dangerous Mageary was, and how a long prison sentence was needed to protect the community from this vicious criminal. But the law gave Patricia no right to be heard, and society paid for its silencing of her. Mageary's parole was soon revoked for serious narcotics violations, and he was back in prison.

In 1990, the people of Arizona amended their State constitution to add a victims' bill of rights, which established the right of victims to be informed, present, and heard at every critical stage in their case.

Incredibly, in 1993, in direct violation of Patricia's new constitutional rights, the parole board voted to release Mageary—again without hearing from Patricia.

But this time there was a remedy for this injustice. An action was filed to stop the release and force the board to hold another hearing in which Patricia's rights would be protected. The Arizona Court of Appeals acted swiftly and stopped the release. The second time around, after the board took the time to hear directly about the horrible nature of the crime, they voted for public safety and for Patricia, and kept Mageary behind bars. Without constitutional rights for Patricia, the safety of the community would have been jeopardized again.

Constitutional rights restored Patricia's voice. Not all Americans have these rights, and even those that exist are not protected by the supreme law of the land, the U.S. Constitution. That is why today, during National Crime Victims' Rights Week, Senator FEINSTEIN and I are introducing a victims' bill of rights to the U.S. Constitution to extend to victims throughout the country a threshold of basic fairness. Victims must be given a voice—not a veto, but a real opportunity to stand and speak for justice and the law abiding in our communities.

STATISTICS

Patricia Pollard is not an isolated example. As I noted earlier, each year 43 million Americans are victims of serious crime, according to the Department of Justice.

According to DOJ statistics released last week, during 1994 there were 10.9 million violent crimes, 6.6 million simple assaults, 2.5 million aggravated assaults, 1.3 million robberies, and 430,000 rapes or other types of sexual assault. Also, one of every nine persons from 12 through 15 years old was a violent crime victim during 1994.

And just this week the Clinton administration reported that crime costs Americans at least $450 billion a year.

These numbers are staggering and sobering. And they demonstrate the enormous burden that crime forces its victims to carry.

The breakdown of social order and the crisis of crime that accompany it, have swelled the ranks of criminals, and those who suffer at their hands, to proportions that astonish us, that break our hearts, and that demand collective action. And the process of detecting, prosecuting, and punishing criminals continues, in too many places in America, to ignore the rights of victims to fundamental justice.

TWENTY STATES HAVE CONSTITUTIONAL AMENDMENTS

The need for a constitutional amendment was first recognized in 1982 by a President's Task Force on Victims of Crime, which concluded that the criminal justice system has lost its essential balance. Since then, 20 States have adopted victims' amendments.

The average electoral support for these amendments was 78 percent. In 1994, six States approved constitutional amendments—all by landslides: Alabama, 80 percent; Alaska, 87 percent; Idaho, 79 percent; Maryland, 92 percent; Ohio, 77 percent; and Utah, 68 percent.

But this patchwork of State constitutional amendments is inadequate. A Federal amendment would establish a basic floor of victims' rights—a floor below which States could not go.

VICTIMS NEED RIGHTS IN THE FEDERAL CONSTITUTION

Some may say, ''I'm all for victims' rights but they don't need to be in the U.S. Constitution. The Constitution is too hard to change. All we need to do is pass some good statutes to make sure that victims are treated fairly.''

But statutes have not worked to restore balance and fairness for victims. The Federal Government has well-written statutes that were intended to establish rights for victims in Federal proceedings. Yet the promise of those statutes lies largely unfulfilled. The whole history of our country teaches us that constitutions are needed to protect the basic rights of the people. The original Bill of Rights was adopted to guarantee that the Federal Government would never infringe on inalienable rights enjoyed by the people—neither at the hands of an overreaching executive nor an inflamed majority in Congress. Some argued that because the Federal Government did not possess the power in the Constitution to infringe these rights, the express protection of them in the Constitution was unnecessary. History soon taught us the wisdom of including the Bill of Rights.

Who would be comfortable now if the right to free speech, or a free press, or to peaceably assemble, or any of our other rights were subject to the whims of changing legislative or court majorities? When the rights to vote were extended to all regardless of race, and to women, were they simply put into a statute? Who would dare stand before a crowd of people anywhere in our country and say that a defendant's rights to a lawyer, a speedy public trial, due process, to be informed of the charges, to confront witnesses, to remain silent, or any of the other constitutional protections are important, but don't need to be in the Constitution?

Such a position would be rightly subject to ridicule. Yet that is precisely what critics of the victims' bill of rights would tell crime victims. Victims of crime will never be treated fairly by a system that permits the defendant's constitutional rights always to trump the protections given to victims. Such a system forever would make victims second-class citizens. It is precisely because the Constitution is hard to change that basic rights for victims need to be protected in it.

Our criminal justice system needs the kind of fundamental reform that can only be accomplished through changes in our fundamental law. Today we have a system of justice that accommodates the interests of its professionals fairly well, but it all too often treats its citizens, its victims, with hostility, and almost always with indifference. Attitudes will not change without a constitutional reform that recognizes the rights of victims as a core value.

AMENDING THE CONSTITUTION IS A BIG STEP, BUT A NECESSARY ONE

Amending the Constitution is, of course, a big step—one which I do not take lightly—but, on this issue, it is a necessary one.

As Thomas Jefferson once said:

I am not an advocate for frequent changes in laws and constitutions, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times.

CONLCUSION

In closing, I would like to thank Senator DIANNE FEINSTEIN for her hard work on this amendment and for her tireless efforts on behalf of crime victims.

Mr. President, for far too long, the criminal justice system has ignored

crime victims who deserve to be treated with fairness, dignity, and respect. Our criminal justice system will never be truly just as long as criminals have rights and victims have none. We need a new definition of justice—one that includes the victim.

Today, as we begin National Victims' Rights Week, in courtrooms across America, victims will be forced to sit outside while their attackers are tried. Today and every day, critical proceedings will be held in criminal cases and victims will not be informed of those proceedings or given the opportunity for their voices to be heard. Today, and every day, victims will be forced to endure endless delays.

Mr. President, with this joint resolution, we can cure this injustice. Victims groups across America support this effort and are watching to see if Congress has the will to make this Victims' Rights Week truly a celebration for crime victims.

ADDITIONAL COSPONSORS

S. 295

At the request of Mrs. KASSEBAUM, the names of the Senator from Montana [Mr. BURNS] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 704

At the request of Mr. SIMON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 953

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 1043

At the request of Mr. STEVENS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1043, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1072

At the request of Mr. THURMOND, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1072, a bill to redefine ''extortion'' for purposes of the Hobbs Act.

S. 1166

At the request of Mr. LUGAR, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safeguard infants and children, and for other purposes.

S. 1578

At the request of Mr. FRIST, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1579

At the request of Mr. GLENN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1579, a bill to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the ''Single Audit Act'').

S. 1608

At the request of Mr. MCCAIN, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1608, a bill to extend the applicability of certain regulatory authority under the Indian Self-Determination and Education Assistance Act, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1644

At the request of Mr. BROWN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1644, a bill to authorize the extension of nondiscriminatory treatment—(most-favored-nation)—to the products of Romania.

S. 1660

At the request of Mr. GLENN, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1660, a bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 217

At the request of Mrs. KASSEBAUM, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of Senate Resolution 217, a resolution to designate the first Friday in May 1996, as ''American Foreign Service Day'' in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Resolution 217, supra.

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as ''National Character Counts Week.''

SENATE RESOLUTION 247

At the request of Mr. SPECTER, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Resolution 247, a resolution expressing the sense of the Senate regarding a resolution of the dispute between Greece and Turkey over sovereignty to the islet in the Aegean Sea called Imia by Greece and Kardak by Turkey.

AMENDMENTS SUBMITTED

CONGRESSIONAL TERMS LIMIT CONSTITUTIONAL AMENDMENT

LEAHY AMENDMENT NO. 3700

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution (S.J. Res. 21) proposing a constitutional amendment to limit congressional terms; as follows:

In the committee substitute strike all after the words ''Section 1'' and insert the following:

''No person shall be elected to a full term as a Senator more than twice, or to a full term as a Representative more than thrice; no person who has been a Senator for more than three years of a term to which some other person was elected shall subsequently be elected as a Senator more than once; and no person who has been a Representative for more than a year of a term to which some other person was elected shall subsequently be elected as a Representative more than twice.

''SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''

''SECTION 3. A member of the Senate serving a term of office on the date of the ratification of this article, who upon completion of that term will have served two or more terms in the Senate, may complete that term. A member of the House of Representatives serving a term of office on the date of ratification of this article, who upon completion of that term will have served six or more terms in the House of Representatives, may complete that term.''

LEAHY AMENDMENT NO 3701

(Ordered to lie on the table.)